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# MONTANA LEGISLATIVE HISTORY

Chapter 195 19 93

Bill H _____ S 315 Original bill & history ✓ C

| H. Committee on Highways & Transport | | S. Committee on Highways + Transport | |
|---|---|---|---|
| Hearing Date(s) 3-8-93 | ✓ C | Hearing Date(s) 2-9-93 | ✓ C |
| _____ | ____ C | _____ | ____ C |
| _____ | ____ C | _____ | ____ C |
| _____ | ____ C | 2-15-93 -out | ____ C |
| Date Out 3-11-93 | ✓ C | | |

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Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

| | | | |
|---|---|---|---|
| 4/21 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 462 | | |
| | EFFECTIVE DATE: 10/01/93 | | |

SB 315 INTRODUCED BY SWYSGOOD

REVISE COMMERCIAL VEHICLE AND COMMERCIAL VEHICLE OPERATORS' LICENSE LAWS

BY REQUEST OF DEPARTMENT OF JUSTICE

| | | | |
|---|---|---|---|
| 2/04 | INTRODUCED | | |
| 2/04 | REFERRED TO HIGHWAYS & TRANSPORTATION | | |
| 2/04 | FIRST READING | | |
| 2/09 | HEARING | | |
| 2/10 | COMMITTEE REPORT—BILL PASSED AS AMENDED | | |
| 2/12 | 2ND READING PASSED AS AMENDED | 27 | 21 |
| 2/12 | SEGREGATED FROM THE COMMITTEE OF THE WHOLE REPORT | 30 | 19 |
| 2/13 | 2ND READING PASSED | 49 | 0 |
| 2/15 | 3RD READING PASSED | 48 | 1 |
| | TRANSMITTED TO HOUSE | | |
| 2/23 | REFERRED TO HIGHWAYS & TRANSPORTATION | | |
| 2/23 | FIRST READING | | |
| 3/08 | HEARING | | |
| 3/09 | COMMITTEE REPORT—BILL CONCURRED | | |
| 3/09 | PLACED ON CONSENT CALENDAR | | |
| 3/11 | 3RD READING CONCURRED | 95 | 5 |
| | RETURNED TO SENATE | | |
| 3/18 | SIGNED BY PRESIDENT | | |
| 3/21 | SIGNED BY SPEAKER | | |
| 3/22 | TRANSMITTED TO GOVERNOR | | |
| 3/25 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 195 | | |
| | EFFECTIVE DATE: 10/01/93 | | |

SB 316 INTRODUCED BY TOWE, ET AL.

GENERALLY REVISE TREASURE STATE ENDOWMENT PROGRAM

| | | | |
|---|---|---|---|
| 2/04 | INTRODUCED | | |
| 2/04 | REFERRED TO TAXATION | | |
| 2/04 | FIRST READING | | |
| 2/12 | HEARING | | |
| 3/03 | COMMITTEE REPORT—BILL PASSED AS AMENDED | | |
| 3/05 | 2ND READING PASSED AS AMENDED | 49 | 0 |
| 3/06 | 3RD READING PASSED | 38 | 9 |
| | TRANSMITTED TO HOUSE | | |
| 3/08 | REFERRED TO LOCAL GOVERNMENT | | |
| 3/08 | FIRST READING | | |
| 3/23 | HEARING | | |
| 3/26 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED | | |
| 3/30 | 2ND READING CONCURRED AS AMENDED | 74 | 20 |
| 4/01 | 3RD READING CONCURRED | 77 | 21 |
| | RETURNED TO SENATE WITH AMENDMENTS | | |
| 4/05 | 2ND READING AMENDMENTS CONCURRED | 50 | 0 |
| 4/06 | 3RD READING AMENDMENTS CONCURRED | 50 | 0 |
| 4/14 | SIGNED BY PRESIDENT | | |
| 4/14 | SIGNED BY SPEAKER | | |
| 4/15 | TRANSMITTED TO GOVERNOR | | |

SENATE BILL NO. 315

INTRODUCED BY SWYSGOOD
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

| | |
|---|---|
| FEBRUARY 4, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION. |
| | FIRST READING. |
| FEBRUARY 10, 1993 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| FEBRUARY 11, 1993 | PRINTING REPORT. |
| FEBRUARY 12, 1993 | SECOND READING, DO PASS AS AMENDED. |
| | ON MOTION, SEGREGATED FROM COMMITTEE OF WHOLE REPORT. |
| FEBRUARY 13, 1993 | SECOND READING, DO PASS. |
| FEBRUARY 15, 1993 | ENGROSSING REPORT. |
| | THIRD READING, PASSED. AYES, 48; NOES, 1. |
| | TRANSMITTED TO HOUSE. |

IN THE HOUSE

| | |
|---|---|
| FEBRUARY 23, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION. |
| | FIRST READING. |
| MARCH 9, 1993 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| | POSTED ON CONSENT CALENDAR. |
| MARCH 10, 1993 | CONSENT CALENDAR, QUESTIONS AND ANSWERS. |
| MARCH 11, 1993 | THIRD READING, CONCURRED IN. AYES, 95; NOES, 5. |
| MARCH 12, 1993 | RETURNED TO SENATE. |

IN THE SENATE

MARCH 13, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 315

INTRODUCED BY Swysgood

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO COMMERCIAL MOTOR VEHICLES AND COMMERCIAL MOTOR VEHICLE OPERATORS; PROVIDING FOR SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE FOR INDIVIDUALS CONVICTED OF VIOLATING OUT-OF-SERVICE ORDERS; ADDING SCHOOL BUSES TO THE DEFINITION OF COMMERCIAL MOTOR VEHICLES; CHANGING REFERENCES IN MONTANA STATUTES FROM "COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENT" TO "COMMERCIAL DRIVER'S LICENSE"; AND AMENDING SECTIONS 20-10-103, 61-1-134, 61-1-135, 61-1-136, 61-5-106, 61-5-107, 61-5-110, 61-5-111, 61-5-112, 61-5-117, 61-5-121, 61-5-201, 61-5-203, 61-5-204, 61-5-205, 61-5-206, 61-5-207, 61-5-208, 61-5-209, 61-5-210, 61-5-211, 61-5-212, 61-5-302, 61-5-306, 61-8-802, 61-8-803, 61-8-804, 61-8-805, 61-8-806, 61-8-808, 61-8-810, AND 61-8-811, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** **Suspension of commercial driver's license -- operation of out-of-service vehicle.** (1) Upon receipt of information that a commercial motor vehicle operator has been convicted of a violation of operating a commercial motor vehicle that has been placed out of service, the department shall suspend the operator's commercial driver's license for 6 months for a first conviction and for 1 year for a second or subsequent conviction.

(2) A temporary or probationary commercial driver's license may not be issued while a commercial driver's license is suspended under subsection (1).

**Section 2.** Section 20-10-103, MCA, is amended to read:

"**20-10-103. School bus driver qualifications.** Any driver of a school bus is qualified to drive a school bus by ~~compliance with the following requirements~~ if the driver:

(1) he is not less than 18 years of age;

(2) he is of good moral character;

(3) he is the holder of a commercial driver's license ~~with a commercial vehicle operator's endorsement~~;

(4) he has filed with the district a satisfactory medical examination report, on a form approved by the United States department of transportation or by the superintendent of public instruction, signed by any physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

(5) he has completed a basic first aid course and holds a valid basic first aid certificate from an authorized instructor. The issuance of the certificate is governed by rules established by the superintendent of public



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instruction, provided that the rules may suspend this requirement for a reasonable period of time if there has been an inadequate opportunity for securing the basic first aid course and certificate.

(6) he has complied with any other qualifications established by the board of public education; and

(7) he has filed with the county superintendent a certificate from the trustees of the district for which the school bus is to be driven, certifying compliance with the ~~several~~ driver qualifications enumerated in this section."

**Section 3.** Section 61-1-134, MCA, is amended to read:

"61-1-134. Commercial motor vehicle defined -- exceptions. (1) "Commercial motor vehicle" means a motor vehicle used to transport passengers or property if the vehicle:

(a) has a gross vehicle weight of 26,001 pounds or more;

(b) is designed to transport more than 15 passengers, including the driver; ~~or~~

(c) is a school bus as defined in 20-10-101; or

~~(c)~~(d) is used to transport hazardous material.

(2) Commercial motor vehicles under this section do not include vehicles operated within the state of Montana that are:

(a) registered as paying the 16% gross weight fee under





61-10-206;

(b) used for firefighting and that are bearing Montana tax-exempt plates; or

(c) police emergency response and safety education units.

(3) Vehicles that are operated within the state of Montana by farmers or persons employed by farmers who are transporting farm products or farm supplies and that are operated within 150 miles of the farm headquarters are not considered commercial motor vehicles under this section."

**Section 4.** Section 61-1-135, MCA, is amended to read:

"61-1-135. Commercial ~~vehicle--operator's--endorsement~~ driver's license. "Commercial ~~vehicle-operator's-endorsement~~ driver's license" means ~~an-endorsement-to~~ a Montana driver's license that authorizes the licensee to operate a class of commercial motor vehicle."

**Section 5.** Section 61-1-136, MCA, is amended to read:

"61-1-136. Driver's license. "Driver's license" means any license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(1) any temporary license or instruction permit;

(2) the privilege of any person to drive a motor vehicle, whether or not ~~such~~ the person holds a valid license;

(3) any nonresident's driving privilege;

(4) a motorcycle endorsement; and

(5) a commercial ~~vehicle---operator's---endorsement~~ driver's license."

**Section 6.** Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction and traffic education permits and temporary licenses. (1) ~~Any~~ A person satisfying the age requirements specified in 61-5-105(1) may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit ~~which~~ that entitles ~~shall entitle~~ the applicant, while having ~~such~~ the permit in ~~his~~ the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of 6 months when accompanied by a licensed driver who is occupying a seat beside the driver. In addition, the department may issue ~~such~~ an instruction permit to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction. ~~Any~~ An instruction permit ~~so issued shall~~ must be restricted to the operation of a motor vehicle only when accompanied by an approved instructor or licensed parent or guardian and may be further restricted to specific times ~~and/or~~ or areas.





(2) The department upon receiving proper application may in its discretion issue a traffic education permit effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department even though the applicant has not reached the legal age to be eligible for a driver's license. ~~Such~~ The permit ~~shall entitle~~ entitles the permittee, when ~~he~~ the permittee has ~~such~~ a permit in ~~his~~ the permittee's immediate possession, to operate only on a designated highway or within a designated area a motor vehicle only when an approved instructor is occupying a seat beside the permittee or a motorcycle or quadricycle only when under the immediate and proximate supervision of an approved instructor.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting ~~him~~ the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to ~~such~~ the applicant's right to receive a driver's license. ~~Such~~ The permit must be in ~~his~~ the permittee's immediate possession while operating a motor vehicle, and it ~~shall be~~ is invalid when the applicant's license has been issued or for good cause has been refused.

(4) The department may in its discretion issue a

temporary commercial ~~vehicle-operator's-endorsement~~ driver's license to an applicant ~~for-such-an-endorsement~~ permitting ~~him~~ the applicant to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial ~~vehicle--operator's--endorsement~~ driver's license. ~~Such~~ The temporary ~~endorsement~~ license must be in ~~his~~ the applicant's immediate possession while operating a commercial motor vehicle and is invalid when the applicant's ~~endorsement~~ license has been issued or for good cause has been refused."

**Section 7.** Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, ~~commercial--vehicle--operator's--endorsement,~~ or motorcycle endorsement. (1) Every application for an instruction permit, driver's license, ~~commercial--vehicle--operator's endorsement,~~ or motorcycle endorsement ~~shall~~ must be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle. Every application ~~shall~~ must be accompanied by the proper fee, and payment of ~~such~~ the fee ~~shall entitle~~ entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state ~~shall~~ must be





attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Every ~~such~~ application ~~shall~~ must state the full name, date of birth, sex, and residence address of the applicant, ~~and~~ must briefly describe the applicant, and ~~shall~~ must state whether the applicant has previously been licensed as a driver or commercial vehicle operator, and, if so, when and by what state or country, and whether any ~~such~~ commercial operator license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for ~~such~~ suspension, revocation, or refusal.

(3) Whenever application is received from an applicant previously licensed by any other jurisdiction, the department shall request a copy of ~~such~~ the applicant's driving record from ~~such~~ the previous licensing jurisdiction. When received, ~~such~~ the driving records ~~shall~~ become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance."

**Section 8.** Section 61-5-110, MCA, is amended to read:

"61-5-110. Examination of applicants. (1) The department shall examine every applicant for a driver's

license;---~~commercial--vehicle--operator's--endorsement;~~ or motorcycle endorsement, except as otherwise provided in this section. ~~Such~~ The examination ~~shall~~ must include a test of the applicant's eyesight, ~~his~~ the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, ~~his~~ the applicant's knowledge of the traffic laws of this state, and ~~shall~~ must include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the commercial ~~vehicle operator's--endorsement~~ driver's license may include additional items.

(2) Within 90 days of receipt of an application for a commercial ~~vehicle-operator's-endorsement~~ driver's license, the department shall give an examination ~~for-endorsement~~ to the applicant in the county where the applicant resides.

(3) Except as otherwise provided by law, a resident who has a valid driver's license issued by another state may surrender that license for a Montana license of the same class, type, and endorsement upon payment of the required fees. A resident who obtains a Montana driver's license in this manner is exempt from the written examination and actual demonstration of the operation of a motor vehicle provided for in subsection (1) but is not exempt from the eyesight test or, in the case of commercial drivers, any





examination required by federal regulations."

**Section 9.** Section 61-5-111, MCA, is amended to read:

"**61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements.** (1) The department ~~has authority--to~~ may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In those areas where the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may not appoint an agent. The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to every qualifying applicant. The license ~~shall~~ must contain a full-face photograph of the licensee in the size and form prescribed by the department, except as provided in subsection (4); a distinguishing number issued to the licensee; the full name, date of birth, residence address, and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which ~~he~~ the licensee shall write ~~his~~ the licensee's signature in pen and ink immediately upon receipt of the license. A license is not valid until it is signed by the licensee.

(2) (a) The department shall, when any person applies for renewal of a driver's license, test the applicant's

eyesight and may also in the department's discretion have the applicant demonstrate ~~his~~ the applicant's physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle.

(b) In the case of a commercial ~~vehicle-operator's endorsements~~ driver's license, the department may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 3 months of the expiration of ~~his~~ the person's license.

(3) A license expires on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

(4) A license issued to a person under the age of 21 years must contain a photograph of the licensee's profile.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license ~~shall~~ must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months, when its records disclose that the licensee, subsequent to the issuance of ~~such~~ the license, has been guilty of careless or negligent driving. Upon renewal the





department may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form must be issued subject to other provisions of the laws of Montana.

(6) It is unlawful for any person to have in ~~his~~ the person's possession or under ~~his~~ the person's control more than one Montana driver's license at any one time. A license is not valid for the operation of a motorcycle or quadricycle until the holder ~~thereof~~ of the license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for the operation of a commercial vehicle until the holder ~~thereof~~ of the license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "commercial ~~vehicle operator's endorsement~~ driver's license".

(7) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license -- $4 per year or fraction ~~thereof~~ of a year;

(b) motorcycle endorsement -- 50 cents per year or fraction ~~thereof~~ of a year;

(c) commercial ~~vehicle-operator's-endorsement~~ driver's license:

(i) interstate -- $5 per year or fraction ~~thereof~~ of a year;

(ii) intrastate -- $3.50 per year or fraction ~~thereof~~ of a year.

(8) A license designated as a chauffeur's license as of January 1, 1988, is valid as a commercial ~~vehicle-operator's endorsement~~ driver's license until the expiration of the license.

(9) The holder of a chauffeur's license may convert ~~his~~ the chauffeur's license to a commercial ~~vehicle-operator's endorsement~~ driver's license by paying the appropriate fee covering the remainder of the life of ~~his~~ the license and complying with the requirements established by the department.

(10) The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial ~~vehicle operator's--endorsement~~ driver's license may do so upon paying the appropriate fees and complying with the requirements established by the department."

**Section 10.** Section 61-5-112, MCA, is amended to read:

"61-5-112. Classification of ~~commercial vehicle operator's-endorsements~~ driver's license. The department upon issuing a ~~license-with-a~~ commercial ~~vehicle-operator's endorsement~~ driver's license shall indicate ~~thereon~~ on the license the class of license ~~so~~ issued and shall appropriately examine each applicant according to the class ~~of-endorsement~~ applied for and may impose ~~such~~ rules for the





classification, examination, and use ~~thereof~~ as that it considers necessary for the safety and welfare of the traveling public."

**Section 11.** Section 61-5-117, MCA, is amended to read:

"61-5-117. Rulemaking authority. The department of justice may adopt rules to implement the issuance and enforcement of classified commercial ~~vehicle--operator's endorsements~~ driver's licenses and hazardous materials endorsements."

**Section 12.** Section 61-5-121, MCA, is amended to read:

"61-5-121. ~~(Temporary)~~ Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial ~~vehicle-operator's-endorsements~~ driver's licenses provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. ~~Funds--transferred--from--the account---are---statutorily--appropriated;--as--provided--in 17-7-502;-to-the-pension-trust-fund;~~

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) Except as provided in subsection (3), if the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) Except as provided in subsection (3), if the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) The amount of 53.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or





other agent of the department, the amount of 3.75% of each commercial ~~vehicle-operator's-endorsement~~ driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial ~~vehicle----operator's----endorsements~~ driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, ~~he~~ the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. ~~He~~ The county treasurer or agent shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial ~~vehicle operator's---endorsements~~ driver's licenses, motorcycle

endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g).

(3) On or before June 30, 1993, the balance in the driver's license collections account in the state special revenue fund collected pursuant to subsections (1)(b)(ii) and (1)(c)(ii) must be transferred to the general fund. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

**61-5-121. (Effective July 1, 1993) Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial ~~vehicle operator's--endorsements~~ driver's licenses provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited





into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. ~~Funds--transferred--from--the account---are---statutorily--appropriated,--as--provided--in 17-7-502,-to-the-pension-trust-fund;~~

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the general fund.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 53.75%

of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 3.75% of each commercial ~~vehicle--operator's-endorsement~~ driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial ~~vehicle---operator's---endorsements~~ driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, ~~he~~ the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. ~~He~~ The county treasurer or agent shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in





subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial ~~vehicle operator's--endorsements~~ driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

**Section 13.** Section 61-5-201, MCA, is amended to read:

"61-5-201. Authority of department to cancel license ~~and--endorsement~~. (1) The department ~~is-hereby-authorized-to~~ may cancel a driver's license ~~and--commercial---vehicle operator's---endorsement--or--just--the--commercial--vehicle operator's-endorsement~~ upon determining that the licensee was not entitled to the issuance or that since the issuance, ~~said~~ the licensee has become ineligible ~~(such-ineligibility shall--be~~ as determined pursuant to the provisions of 61-5-105~~)~~ or that ~~said~~ the licensee failed to give the required or correct information in ~~his~~ the licensee's application or committed any fraud in making ~~such~~ the

application.

(2) Upon ~~such~~ cancellation, the licensee ~~must~~ shall surrender the canceled license ~~so--canceled~~ to the department."

**Section 14.** Section 61-5-203, MCA, is amended to read:

"**61-5-203. Suspending privileges of nonresidents.** The privilege of driving a motor vehicle on the highways of this state given to a nonresident ~~shall--be~~ is subject to suspension or revocation by the department in like manner and for like causes as a driver's license ~~and--commercial vehicle-operator's-endorsement-or-just-an-endorsement~~ issued ~~hereunder~~ under this chapter may be suspended or revoked."

**Section 15.** Section 61-5-204, MCA, is amended to read:

"**61-5-204. Suspending resident's license upon conviction in another state.** The department ~~is-authorized-to~~ may suspend or revoke the driver's license ~~and--commercial vehicle---operator's--endorsement--or--just--the--commercial vehicle-operator's-endorsement~~ of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another jurisdiction of an offense in that jurisdiction which, if committed in this state, would be grounds for the suspension or revocation of the driver's license ~~or-commercial-vehicle-operator's-endorsement~~."

**Section 16.** Section 61-5-205, MCA, is amended to read:





"**61-5-205. Mandatory revocation of license upon proper authority.** The department upon proper authority shall revoke the driver's license~~,--including--the--commercial--vehicle operator's-endorsement,~~ or the operating privilege of any driver upon receiving a record of the driver's conviction or forfeiture of bail not vacated of any of the following offenses, when the conviction or forfeiture has become final:

(1) negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of alcohol or any drug or a combination ~~thereof~~ of alcohol or drugs, except as provided in 61-5-208, or operation of a motor vehicle by a person with a blood alcohol concentration of 0.10 or more;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(6) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of 12 months; or

(7) negligent vehicular assault as defined in 45-5-205."

**Section 17.** Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege or issue probationary license. (1) The department ~~is-hereby-authorized-to~~ may suspend the driver's license~~,--including--the---commercial---vehicle---operator's endorsement~~, or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) is an habitually reckless or negligent driver of a motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has committed or permitted an unlawful or fraudulent use of ~~such~~ the license as specified in 61-5-302;





(f) has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;

(g) has falsified ~~his~~ the licensee's date of birth on ~~his~~ the application for a driver's license;

(h) is under 21 years of age and has altered ~~his~~ the licensee's or another's driver's license or identification card to obtain alcohol; or

(i) has authorized another to use ~~his~~ the licensee's driver's license or identification card to obtain alcohol.

(2) However, the department may, in its discretion and in lieu of ~~such--suspension--of~~ suspending the license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (1) ~~hereof~~. Upon issuance of a probationary license, the licensee ~~shall--be~~ is subject to the restrictions set forth ~~thereon~~ in the probationary license. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of ~~such~~ probation. The licensee shall surrender to the department all driver licenses ~~theretofore~~ that have been issued to ~~him~~ the licensee before ~~such~~ the probationary license ~~shall~~ may be issued. ~~His~~ The

licensee's refusal or neglect to surrender ~~such~~ the licenses upon demand ~~shall be ground~~ is grounds for suspending all ~~such~~ licenses. Probationary licenses may be issued for a period not to exceed 12 months.

(3) Upon suspending the license of any person or upon placing ~~such~~ the person on probation, as ~~hereinbefore~~ authorized in this section ~~authorized~~, the department shall immediately notify the licensee in writing and upon ~~his~~ the licensee's request shall afford ~~him~~ the licensee an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of ~~such~~ the request in the county ~~wherein~~ in which the licensee resides unless the department and the licensee agree that ~~such~~ the hearing may be held in some other county. ~~Upon such~~ At the hearing the department through its ~~duly~~ authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. ~~Upon--such~~ At the hearing, the department shall either rescind its order of suspension or probation, or, for good cause ~~appearing therefor~~, may affirm, reduce, or extend the period of probation or suspension of ~~such~~ the license."

**Section 18.** Section 61-5-207, MCA, is amended to read:

"**61-5-207. Reexamination or investigation -- when required.** The department, having good cause to believe that





a licensed driver is incompetent or otherwise not qualified to be licensed ~~or to have a commercial vehicle operator's endorsement~~, may, based on information received, investigate the licensee's record, physical or mental condition, or need for a license or, upon written notice of at least 5 days to the licensee, require ~~him~~ the licensee to submit to an examination. Upon the conclusion of the investigation or examination the department shall take action as may be appropriate considering the facts reported or discovered and may suspend or revoke the driver's license ~~and--commercial vehicle---operator's--endorsement--or--just--the--commercial vehicle-operator's-endorsement~~ of ~~such~~ the person or permit ~~him~~ the person to retain ~~such~~ the license or may issue a license subject to restrictions as permitted under 61-5-113. Refusal or neglect of the licensee to submit to ~~such~~ the investigation or examination ~~shall be ground~~ is grounds for suspension or revocation of ~~his~~ the person's license."

**Section 19.** Section 61-5-208, MCA, is amended to read:

"**61-5-208. Period of suspension or revocation.** (1) The department may not suspend or revoke a driver's license, ~~commercial vehicle operator's endorsement~~, or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as otherwise permitted by law.

(2) A person whose license, ~~---commercial--vehicle operator's--endorsement~~, or privilege to drive a motor

vehicle on the public highways has been suspended or revoked ~~is-not-entitled-to~~ may not have the license, endorsement, or privilege renewed or restored unless the revocation was for a cause which has been removed~~,~~. ~~except-that-after~~ After the expiration of the period of the revocation or suspension, the person may make application for a new license or endorsement as provided by law but the department may not issue a new license or endorsement unless and until it is satisfied, after investigation of the driving ability of the person and upon a showing by its records or other sufficient evidence, that the person is eligible to be licensed to drive in Montana. When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination ~~thereof~~ of alcohol or drugs or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license~~,---including---any commercial---vehicle---operator's--endorsement~~, or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall revoke





the license~~,--commercial-vehicle-operator's-endorsement,~~ or driving privilege of the person for a period of 1 year, except that if the 1-year period passes and the person has not completed an alcohol information course, treatment, or both, as ordered by the sentencing court, the license revocation remains in effect until the course, treatment, or both are completed.

(3) The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2).

(4) The period of revocation for any person convicted of any offense which makes mandatory the revocation of the driver's license commences from date of conviction or forfeiture of bail.

(5) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-811 and subsection (2) of this section. ~~In addition,--the--department--shall---suspend---the---person's commercial-vehicle-operator's-endorsement-in-accordance-with the-provisions-of-this-title."~~

**Section 20.** Section 61-5-209, MCA, is amended to read:

"61-5-209. Surrender and return of license or endorsement upon suspension or revocation. ~~The~~ When the department ~~upon-suspending-or-revoking~~ suspends or revokes a license~~,--or--commercial--vehicle--operator's--endorsement~~ it

shall require that ~~such~~ the license ~~shall~~ be surrendered to and be retained by the department except that at the end of the period of suspension, ~~such~~ the surrendered license ~~so surrendered shall~~ must be returned to the licensee."

**Section 21.** Section 61-5-210, MCA, is amended to read:

"61-5-210. ~~No~~ operation under foreign license during suspension or revocation in this state. ~~Any~~ A resident or nonresident whose license or right or privilege to operate a motor vehicle or commercial motor vehicle in this state has been suspended or revoked as provided in this chapter ~~shall~~ may not operate a motor vehicle or commercial motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during ~~such~~ the suspension or after ~~such~~ the revocation until a new license ~~or--commercial--vehicle---operator's endorsement~~ is obtained ~~when--and-as-permitted~~ under this chapter."

**Section 22.** Section 61-5-211, MCA, is amended to read:

"61-5-211. Right of appeal to court. ~~Any~~ A person denied a driver's license ~~or--commercial--motor--vehicle operator's--endorsement~~ or whose license ~~or-endorsement~~ has been canceled, suspended, or revoked by the department except ~~where--such~~ when the cancellation or revocation is mandatory under the provisions of this chapter ~~shall--have the--right--to~~ may file a petition within 30 days ~~thereafter~~ after the denial, cancellation, suspension, or revocation for a hearing in the matter in the district court in the county ~~wherein--such~~ in which the person ~~shall--reside~~ resides. ~~Such~~ The court ~~is--hereby---vested---with~~ has jurisdiction and it shall ~~be-its-duty-to~~ set the matter for hearing upon 30 days' written notice to the department, and ~~thereupon-to~~ shall take testimony and examine ~~into~~ the facts of the case and ~~to~~ determine whether the petitioner is entitled to a driver's license ~~or--commercial---vehicle operator's---endorsement~~ or is subject to suspension, cancellation, or revocation of the license ~~or--endorsement~~ under the provisions of this chapter."

**Section 23.** Section 61-5-212, MCA, is amended to read:

"61-5-212. Driving while license suspended or revoked -- penalty. (1) ~~Any~~ A person who drives a motor vehicle or commercial motor vehicle on any public highway of this state at a time when ~~his~~ the person's privilege to do so is suspended or revoked in this state or any other state is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days or more than 6 months and may be fined not more than $500.

(2) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the person's driver's license ~~or commercial-vehicle-operator's-endorsement~~ was suspended or

revoked shall extend the period of suspension or revocation for an additional like period."

**Section 24.** Section 61-5-302, MCA, is amended to read:

"61-5-302. Unlawful use of license or identification card. It is a misdemeanor for ~~any~~ a person to:

(1) display or cause or permit to be displayed or have in ~~his~~ the person's possession ~~any~~ a canceled, revoked, suspended, fictitious, or altered driver's license or identification card;

(2) lend ~~his~~ the person's driver's license or identification card to any other person or knowingly permit its use by another;

(3) display or represent as one's own any driver's license or identification card not issued to ~~him~~ the person;

(4) fail or refuse to surrender to the department upon its lawful demand ~~any~~ a driver's license or identification card ~~which~~ that has been suspended, revoked, or canceled;

(5) use a false or fictitious name in ~~any~~ an application for a driver's license~~,--commercial--vehicle operator's-endorsement~~, or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in ~~any-such~~ an application; or

(6) permit any unlawful use of a driver's license or identification card issued to ~~him~~ the person."

**Section 25.** Section 61-5-306, MCA, is amended to read:





"61-5-306. Renting motor vehicle to another. (1) ~~No~~ A person ~~shall~~ may not rent a motor vehicle to any other person unless the latter person is ~~then--duly licensed hereunder~~ under this chapter or, in the case of a nonresident, ~~then-duly~~ licensed under the laws of the state or country of ~~his~~ the person's residence except a nonresident whose home state or country does not require that an operator be licensed.

(2) ~~No~~ A person ~~shall~~ may not rent a motor vehicle to another until ~~he~~ the person has inspected the driver's license of the ~~person-to-whom-the-vehicle-is--to--be--rented~~ proposed renter and compared and verified the signature ~~thereon~~ on the license with the signature of ~~such-person~~ the proposed renter written in ~~his~~ the person's presence.

(3) ~~No~~ A person may not rent a commercial motor vehicle ~~which-is-defined-as-a-commercial-motor--vehicle--under--this~~ title to another until ~~he~~ the person has inspected the driver's license of ~~that--person~~ the proposed renter and determined that the ~~person~~ proposed renter has a commercial ~~vehicle-operator's-endorsement~~ driver's license.

(4) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle ~~so~~ rented, the name and address of the person to whom the vehicle is rented, and the number and expiration date of the license of ~~said-latter-person~~ the renter. The

record ~~shall be~~ is open to inspection by any police officer or officer or employee of the department."

**Section 26.** Section 61-8-802, MCA, is amended to read:

"61-8-802. Suspension of ~~commercial vehicle--operator's endorsement~~ driver's license -- disqualification. (1) The department shall suspend the commercial ~~vehicle--operator's endorsement~~ driver's license of any commercial operator if the department's records or information received from federal authorities shows that the person is disqualified under federal law.

(2) A commercial ~~vehicle---operator's---endorsement~~ driver's license suspended pursuant to this section remains suspended for the duration of the period of disqualification under federal regulations.

(3) A person whose commercial ~~vehicle--operator's endorsement~~ driver's license is suspended under this section due to disqualification:

(a) may appeal the suspension as provided in 61-5-211; and

(b) may not operate a commercial vehicle until the suspension is lifted and ~~his~~ the person's commercial ~~vehicle operator's endorsement~~ driver's license is restored."

**Section 27.** Section 61-8-803, MCA, is amended to read:

"61-8-803. Suspension of ~~commercial vehicle--operator's endorsement~~ driver's license -- serious traffic violations.





If a commercial motor vehicle operator's record shows that ~~he~~ the operator has been convicted of a serious traffic violation as defined in federal regulations, the department shall suspend the commercial ~~vehicle operator's endorsement~~ driver's license:

(1) for 60 days if the operator was convicted of two hazardous moving violations within 3 years; or

(2) for 120 days if the operator was convicted of three hazardous moving violations within 3 years."

**Section 28.** Section 61-8-804, MCA, is amended to read:

"61-8-804. Suspension of ~~commercial vehicle-operator's endorsement~~ driver's license -- felony involving a controlled substance while driving a commercial vehicle. If the department receives information that a commercial motor vehicle operator has been convicted of using a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by federal regulations, or a felony involving possession with intent to manufacture, distribute, or dispense a controlled substance, the department shall suspend ~~his~~ the operator's commercial ~~vehicle--operator's endorsement~~ driver's license for life."

**Section 29.** Section 61-8-805, MCA, is amended to read:

"61-8-805. Suspension for operating a commercial vehicle with alcohol concentration of 0.04 or more --

hearing. (1) A person whose alcohol concentration is 0.04 or more while he the person drives or is in actual physical control of a commercial motor vehicle is subject to the suspension of his the person's commercial vehicle-operator's endorsement driver's license. If the department receives a sworn report from a peace officer that the person was operating a commercial motor vehicle while his the person's alcohol concentration was 0.04 or more, the department shall suspend the person's commercial driver's commercial--vehicle operator's-endorsement license:

(a) for 1 year, with no provision for a restricted probationary license or endorsement, upon receipt of the first report, except that if the offense occurred in a commercial motor vehicle transporting hazardous materials, the suspension must be for 3 years; and

(b) for life, with no provision for a restricted probationary license or endorsement, upon receipt of a second or subsequent report at any time as determined from the records of the department, unless a restricted license or endorsement is allowed by federal rules governing commercial drivers.

(2) A peace officer who determines that a commercial motor vehicle operator has any measured amount or detected presence of alcohol in his the operator's body while operating a commercial motor vehicle shall place the





commercial motor vehicle operator out of service as mandated by federal regulations for 24 hours.

(3) The fact that any person charged with a violation of the provisions of subsection (1) is entitled to use alcohol under the laws of Montana is not a defense against any charge of violating the provisions of subsection (1).

(4) The department shall immediately notify in writing any person whose commercial vehicle--operator's--endorsement driver's license is suspended under this section. The person has--the--right--to may file a petition within 30 days after the notice is given for a hearing in the matter in the district court in the county in which the finding of alcohol concentration was made. The court has jurisdiction and shall set the matter for hearing upon 10 days' written notice to the county attorney of the county in which the appeal is filed. The county attorney shall represent the state. The court shall take testimony and examine the facts of the case, except that the issue is limited to whether the person was driving or had actual physical control of a commercial motor vehicle while his the person's alcohol concentration was 0.04 or more. The court shall determine whether the petitioner is entitled to a commercial vehicle--operator's endorsement driver's license or is subject to suspension as provided in this section. The provisions of 61-8-404 apply to any proceedings under this section."

**Section 30.** Section 61-8-806, MCA, is amended to read:

"61-8-806. Blood, breath, or urine tests of commercial vehicle operators -- procedure -- suspension. (1) A person who operates a commercial motor vehicle upon the ways of this state open to the public is considered to have given consent, subject to the provisions of 61-8-401 and 61-8-805, to a test of ~~his~~ the operator's blood, breath, or urine for the purpose of determining any measured amount of alcohol in ~~his~~ the operator's body if ~~he~~ the operator is requested to submit to the test by a peace officer having reasonable grounds to believe the person to have been driving or in actual physical control of a commercial motor vehicle upon the ways of this state open to the public while ~~his~~ the person's blood alcohol concentration was 0.04 or more. The peace officer may designate a blood, breath, or urine test to be administered.

(2) A person who is unconscious or who is otherwise incapable of refusal is considered not to have withdrawn the consent provided in subsection (1).

(3) If a commercial motor vehicle operator who is a resident of Montana refuses upon the request of a peace officer to submit to a test designated by the officer as provided in subsection (1), the test may not be given. On behalf of the department, the officer shall immediately seize the person's commercial driver's license ~~showing-the~~





~~commercial-vehicle-operator's-endorsement~~ and forward the license to the department, along with a sworn report that ~~he~~ the officer had reasonable grounds to believe that the person had been driving or was in actual physical control of a commercial motor vehicle upon ways of this state open to the public while having an alcohol concentration of 0.04 or more and that the person had refused to submit to the test upon the request of the officer. Upon receipt of the report, the department shall suspend the license for a period provided in subsection (5).

(4) Upon seizure of a resident's commercial driver's license ~~showing-a-commercial-vehicle-operator's-endorsement~~, the peace officer shall issue, on behalf of the department, a temporary noncommercial driving permit ~~without---the commercial--vehicle--operator's--endorsement~~. The temporary driving permit is valid for 72 hours after issuance.

(5) If a commercial motor vehicle operator refuses to submit to a test as provided in subsection (3), the department shall suspend ~~his~~ the operator's commercial ~~vehicle-operator's-endorsement~~ driver's license:

(a) upon first refusal, for 1 year, with no provision for a restricted probationary license or endorsement, except that if the offense occurred in a commercial motor vehicle transporting hazardous materials, the suspension for a first refusal must be for 3 years;

(b) upon a second or subsequent refusal at any time as determined from the records of the department, for life, with no provision for a restricted probationary license or endorsement unless allowed by federal rules governing commercial drivers.

(6) A nonresident commercial motor vehicle operator who refuses to submit to a test as provided in subsection (3) is subject to suspension by the department as provided in subsection (5) and must be given a temporary driving permit as provided in subsection (4)."

**Section 31.** Section 61-8-808, MCA, is amended to read:

"61-8-808. Right of appeal of court. The department shall immediately notify in writing any person whose commercial ~~vehicle--operator's-endorsement~~ driver's license has been suspended under the provisions of 61-8-806, and the person may, within 30 days after receipt of notification, file a petition for a hearing on the matter in the district court in the county where the person resides or in the district court in the county where the finding of refusal was made. The court has jurisdiction and shall set the matter for hearing upon 10 days' written notice to the county attorney of the county where the appeal is filed. The county attorney shall represent the state. The court shall take testimony and examine the facts of the case, except that the issue is limited to whether a peace officer had





reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle upon ways of this state open to the public while the person had a blood alcohol concentration of 0.04 or more, whether the person was ordered to submit to a test, and whether the person refused to submit to the test. The court shall determine whether the petitioner is entitled to a commercial ~~vehicle---operator's--endorsement~~ driver's license or is subject to suspension as provided in this part."

**Section 32.** Section 61-8-810, MCA, is amended to read:

"61-8-810. Suspension of commercial ~~vehicle--operator's~~ endorsement driver's license -- felony involving a commercial motor vehicle. Upon receipt of information that a commercial motor vehicle operator has been convicted of using a commercial motor vehicle in the commission of a felony, the department shall suspend the driver's commercial ~~vehicle-operator's-endorsement~~ driver's license as provided in 61-8-811."

**Section 33.** Section 61-8-811, MCA, is amended to read:

"61-8-811. Suspension of commercial ~~vehicle-operator's~~ endorsement driver's license -- duration -- second or subsequent offense. Upon receiving notice pursuant to 61-5-208, 61-8-809, or 61-8-810, the department shall suspend an operator's commercial ~~vehicle---operator's~~ endorsement driver's license, as follows:

(1) upon notice of a first conviction, for 1 year, with no provision for a probationary license, except that if the offense occurred while operating a commercial motor vehicle transporting hazardous material, the suspension must be for 3 years;

(2) upon notice of a second conviction, as determined from the records of the department, for life, with no provision for a restricted license ~~or--endorsement~~ unless allowed by federal rules governing commercial drivers; and

(3) upon notice of a third conviction, an operator's commercial ~~vehicle--endorsement~~ driver's license must be suspended for life and the operator is ineligible for reinstatement."

NEW SECTION. **Section 34.** Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 8, and the provisions of Title 61, chapter 8, part 8, apply to [section 1].

-End-

## HEARING ON SENATE BILL 315

Opening Statement by Sponsor:
**SEN. SWYSGOOD** stated SB 315 was requested by the Department of Justice. He assured the Committee that, although SB 315 is lengthy, it was a housekeeping measure which would conform the language in the commercial drivers license section of Montana's statute with federal law. He mentioned SB 315 would define a schoolbus as a commercial motor-vehicle regardless of the number of passengers being transported. He said the state currently requires a schoolbus driver to have a commercial license. **SEN. SWYSGOOD** concluded SB 315 would provide for the clarification of Montana's statutes and bring them into conformity with the federal regulations which had been finalized.

Proponents' Testimony:
**Peter Funk, Attorney General's Office,** said SB 315 is so long because it changes the phrase "commercial vehicle operator's endorsement" to "commercial driver's license" throughout Montana statutes. He said the change is necessary to comply with the final federal rules issued under the Commercial Motor-Vehicle Safety Act of 1986. **Mr. Funk** said this Act requires commercial motor-vehicle authorizations to be single driver's licenses and not endorsements to a driver's license. **Mr. Funk** stated SB 315 would modify existing law in two other ways: First, SB 315 would provide for the suspension of a commercial driver's license upon conviction of violating an "out-of-service order"; Second, SB 315 would also define all school buses as commercial vehicles.

**Peter Funk** informed the Committee that federal rules require a commercial driver's license ~~should~~ be suspended for some period of time if the holder is convicted of violating an "out-of-service order". He defined an "out-of-service order" as a citation issued when an inspection reveals that either the commercial vehicle or the driver of that vehicle is in a condition making it unsafe to continue operating that vehicle. He explained an "out-of-service order" would usually apply until the vehicle is repaired. He stated SB 315 would allow Montana law to reflect federal laws.

**Peter Funk** stated SB 315 would expand the definition of a commercial vehicle to include all school buses. He explained that currently only buses "designed to transport 15 or more passengers including the driver" are commercial vehicles. He assured the Committee that SB 315 would not require a large group of drivers to go out and get a commercial license because existing law requires the driver of any size school bus to have a commercial license.

**Peter Funk** also alerted the Committee to two instances in SB 315 where the Legislative Council had struck a sentence referring to the appropriation of funds to the Highway Patrol Pension Trust Fund. He said **Greg Petesch** had assured him this sentence was redundant and its striking would not affect the Trust Fund in any

way.

**Ben Havdahl, Montana Motor Carriers Association (MMCA)**, expressed MMCA's support of SB 315.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
**SEN. MCCLERNAN** asked **Peter Funk** if the vans routinely used by colleges and universities for field trips, would be commercial vehicles and if faculty members or employees who drove such vans would be required to have commercial licenses if SB 315 were approved. **Peter Funk** replied he could not recall the specifics of the definition of a school bus, but thought it was possible that SB 315 would affect such vans and their drivers. He stated if the Title 20 definition fits a university's use of that type, then the driver would be required to have a commercial driver's license and comply with all other commercial motor-vehicle regulations.

**SEN. HARP** stated he was curious how the agricultural community was exempted from the commercial motor-carrier regulations. **Peter Funk** explained that throughout the course of the commercial motor vehicle debate starting in 1986, the question of exemptions was a major battle on both the federal and state level. He stated both the Montana language and language in federal statutes and rules reveal the power of the agricultural lobby. He said the agricultural lobby is one of the few groups that have been successful in getting themselves exempted from this entire process.

**SEN. HARP** asked if agricultural carriers have been successful in excluding themselves from commercial carrier regulations on both the federal and state level. **Peter Funk** replied **SEN. HARP** was correct.

**SEN. REA** asked, in reference to **SEN. MCCLERNAN's** question, if he would need a commercial driver's license to ferry a bunch of kids to the ski slope. **Peter Funk** replied the driver would definitely need one if the vehicle used was classified as a school bus.

**SEN. HARP**, after stating his opposition to the Certified Driver's License (CDL) program, asked **Ben Havdahl** if the program had been beneficial in any way. **Ben Havdahl** replied it was too soon to tell since CDL has only recently been in place nation-wide. He stated one of the first apparent benefits of this program was to eliminate multiple driver's licenses available to truck drivers all over the country. He explained that truckers often had a dozen different driver's licenses and whenever they were cited, they would tender the driver's license that could stand the infraction. He stated the elimination of this possibility will

eventually have a tremendous safety impact. **Mr. Havdahl** admitted the program has had some drawbacks because it has cut into the quantity of available drivers around the country, but stated his belief that this effect would be mitigated in time.

**CHAIRMAN WEEDING** asked if drug-testing was part of the CDL program. **SEN. SWYSGOOD** replied drug-testing was a separate program.

**SEN. TVEIT** asked if drivers with commercial licenses you are restricted on a .04 blood alcohol level instead of the .10 for a regular driver. **Peter Funk** stated that was a federal mandate and the implied consent level for a commercial motor carrier is .04 and not .10.

**SEN. TVEIT** asked if the legal consequences outlined on page 41 of SB 315 dealt solely with haulers of hazardous material or if they applied to all commercial carriers. **Peter Funk** responded SB 315 would apply across the board to alcohol related commercial vehicle violations. He stated the statutory scheme indicated the period of discipline or suspension may be extended if the driver has a hazardous endorsement.

Close:
**SEN. SWYSGOOD** addressed **SEN. MCCLERNAN's** concern by reading from the Montana law that a school bus is defined as an "over-the-road passenger vehicles used to haul pupils to activities". He stated the vans colleges and universities used probably would not fit into this category. In conclusion he showed the Committee his commercial motor-vehicle driver's license and referred to the stringent rules the CDL program place on DUI for commercial carriers.

Further Discussion on SB 315:
**CHAIRMAN WEEDING** asked how long these rules had been incorporated into the law in Montana. **Peter Funk** replied at least four or five years. He said the overall federal statute had been adopted in 1986, but the federal government has continued to fill in the gaps of this statute with various levels of rule making. As a result, applicable Montana statutes had been adopted at different times over the past three sessions.

## EXECUTIVE ACTION ON SENATE BILL 315

Motion:
**SEN. HARP** moved SB 315 DO PASS.

Discussion:
**SEN. SWYSGOOD** stated the concern **Peter Funk** had expressed about the language struck by the Legislative Council could be addressed in the House if a problem were to arise.

**Dave Bohyer** introduced a necessary technical amendment to SB 315 (Exhibit #4).

Motion/Vote:
**SEN. SWYSGOOD** moved the amendment (Exhibit #4). MOTION CARRIED UNANIMOUSLY.

Motion/Vote: **SEN. HARP** made the substitute motion SB 315 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

## EXECUTIVE ACTION ON HOUSE BILL 96

Discussion:
**SEN. STANG** said he had asked **Dean Roberts, Department of Justice,** to clarify the language in HB 96. **Dean Roberts** verified that the problematic language was "numbered in sets of two, with a different number on each set". He stated the original language was "license plate", but the House Highways and Transportation Committee did not think the language meant clearly two plates per set. He stated he did not understand the problem. **SEN. STANG** replied the language seemed to indicate that if an individual had two sets of plates those sets would have to be numbered in consecutive order. **Dean Roberts** stated he did not understand that to be the case.

**SEN. TVEIT** stated what the people sponsoring HB 96 want is another set of license plates. **Dean Roberts** stated HB 96 would allow these people to get more than one set of plates. After discussion it was established that each set of license plates included two license plates and that each set would have a different number.

**SEN. HARP** asked if it were possible to amend HB 96 to reorder the numbers assigned to the various counties to make the numbers on the license plates more reflective of the actual population in each county. It was suggested that **SEN. HARP** pursue that amendment on the Senate floor. **SEN. HARP** requested that **Dave Bohyer** prepare such an amendment for him.

Motion/Vote:
**SEN. TVEIT** moved HB 96 DO PASS. The MOTION CARRIED UNANIMOUSLY.

**SEN. TVEIT** will carry HB 96 on the Senate Floor.

# ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE FEB. 9, 1993

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| SEN. CECIL WEEDING, CHAIR | X | | |
| SEN. BETTY BRUSKI-MAUS, VICE-CHAIR | X | | |
| SEN. JOHN HARP | X | | |
| SEN. FRANCIS KOEHNKE | X | | |
| SEN. HENRY MCCLERNAN | X | | |
| SEN. JACK "DOC" REA | X | | |
| SEN. BARRY "SPOOK" STANG | X | | |
| SEN. CHARLES "CHUCK" SWYSGOOD | X | | |
| SEN. DARYL TOEWS | X | | |
| SEN. LARRY TVEIT | X | | |
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Attach to each day's minutes

# SENATE STANDING COMMITTEE REPORT


February 10, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 315 (first reading copy -- white), respectfully report that Senate Bill No. 315 be amended as follows and as so amended do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Title, line 12.
Following: "SECTIONS"
Insert: "17-7-502,"

2. Page 2.
Following: line 7
Insert: " Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; ~~61-5-121,~~ 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

M- Amd. Coord.
Sec. of Senate

331102SC.Sma

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)""

Renumber: subsequent sections

-END-

Amendments to Senate Bill No. 315
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Dave Bohyer
February 9, 1993

SENATE HIGHWAYS
EXHIBIT NO. 1
DATE February 9, 1993
BILL NO. SB 315

1. Title, line 12.
Following: "SECTIONS"
Insert: "17-7-502,"

2. Page 41.
Following: line 13
Insert: " **Section 34.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; ~~61-5-121;~~ 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for

the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)""

Renumber: subsequent section

DATE February 9, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 309, SB 315

| Name | Representing | Bill No. | Check One: Support | Oppose |
|---|---|---|---|---|
| James Beck | MDT | 309 | ✓ | |
| Dorothy Bockstrom | MDT | 309, 315 | ✓ | |
| Ben Havdahl | MDT Motor Carrier Svcs | 309 | ✓ | |
| Peter Funk | Ass. Attorney General, M-V division | 315, 309 | | |
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# VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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1994 will eliminate the Class B motor carrier certificates for hauling livestock. **SEN. SWYSGOOD** said the date eliminates the "grandfather" clause.

Closing by Sponsor:

**SEN. SWYSGOOD** read a letter from **Jim Hagenbarth, Hagenbarth Livestock,** in support of SB 255. **EXHIBIT 4** He said this bill is not intended to put people out of business. Every carrier, according to the law, who hauls commodities for hire must have insurance. He thanked the committee for their time and attention and urged a be concurred in recommendation.

## HEARING ON SB 315

Opening Statement by Sponsor:

**SEN. CHUCK SWYSGOOD, SD 37, Dillon,** said SB 315 will make Montana law the same as federal law relating to commercial motor vehicles and commercial motor vehicle operators. It will also add school buses to the definition of commercial motor vehicles.

Proponents' Testimony:

**Peter Funk, office of the Attorney General,** said the bill addresses three areas. The first is suspension of commercial a driver's license for conviction of a violation of operating an out-of-service vehicle, second is to include school buses in the definition of commercial motor vehicles, and the third changes " "commercial vehicle operator's endorsement" to "commercial driver's license".

**Mr. Roberts** said the Motor Vehicle Division requires all Montana school bus drivers to have a commercial driver's license.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

**REP. STANFORD** asked if there is a difference how regulations affect school buses and contract buses. **Mr. Funk** said there is a difference under the federal motor carrier safety regulations. A school bus which transports students to and from school is generally exempt from the motor carrier's safety regulations. School buses performing any other function are not exempt from the motor carrier's safety regulations.

**REP. STANFORD** said he is concerned with school bus drivers driving over 16 hours per day on long bus trips. Commercial bus drivers are not allowed to drive long hours. **Mr. Funk** said that under federal rules and regulations there are no restrictions on how long the drivers can drive as long as the bus is owned by a

government entity.

**REP. VOGEL** asked to have lines 24 and 25 page 1 explained to him. **Mr. Funk** said under federal rules and regulations there are several requirements for the driver and the vehicle.

**REP. VOGEL** asked to have the six-month suspension of license explained. **SEN. SWYSGOOD** said the CDL rules and requirements are very strict but the idea is to protect the people.

**REP. VOGEL** asked if we have the same safety agreement with other states. **SEN. SWYSGOOD** said this is a federal law and applies to all commercial drivers across the United States.

Closing by Sponsor:

**SEN. SWYSGOOD** said the bill is placing the state in compliance with the federal laws and changes the commercial vehicle operator's endorsement to commercial driver's license. He thanked the committee for their time and urged a be concurred in vote on this bill.

## EXECUTIVE ACTION ON SB 353

Motion: **REP. TASH MOVED SB 353 BE CONCURRED IN.**

Discussion: **REP. HANSON** said the grace period for licensing will be April 30 to June 15.

Vote: **SB 353 BE CONCURRED IN.** Motion carried with **REP. ANDERSON** voting nay.

## EXECUTIVE ACTION ON SB 315

Motion: **REP. WINSLOW MOVED SB 315 BE CONCURRED IN.**

Discussion: **REP. WHALEN** asked if the committee was aware that the six-month suspended sentence is a federal law? **CHAIRMAN CLARK** replied yes.

**REP. WHALEN** asked if a driver has trouble with his brakes does he stop wherever he is on the highway and have someone come out and repair them. **CHAIRMAN CLARK** said the MCS officers use their discretion in this type of situation.

**REP. WHALEN** asked how this process is verified. **CHAIRMAN CLARK** said if the repairs cannot be done on the highway the driver will be escorted by a patrolman to the nearest town.

**REP. RYAN** asked if the process was enforced by the law. **CHAIRMAN CLARK** responded yes.

**REP. ANDERSON** asked if law enforcement had specific guidelines which they follow on the type of service violation committed. **CHAIRMAN CLARK** said the federal government publishes a booklet listing the violations.

**REP. TASH** said the trucking industry supports this bill.

**Vote: SB 315 CONCURRED IN.** Motion carried unanimously.

## HEARING ON SB 272

Opening Statement by Sponsor:

**SEN. FRANCIS KOEHNKE, SD 16, Townsend,** said SB 272 revises highway information signs to correspond with federal laws.

Proponents' Testimony:

**Bob Brooks, Jr., Owner of the Montana Motorist Information Sign Group (MMISG),** said this bill will require the Montana guidelines to be in compliance with federal guidelines. The Tourist Oriented Directional Sign Program was created by the legislature in 1989. The TODS program is on the primary highway system. He stated the MMISG believes, since there is a limited number of signs which can be displayed on the panels, the businesses which are open year-round should be given first priority.

**Rich Munger, Montana Department of Transportation,** said he is the state coordinator of The Montana Motorists Information Sign Program. The department supports this bill.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

**REP. TASH** asked who pays for the logo signs on the highways? **Mr. Munger** said the signs are paid for by the Montana Motorists Information Sign Group. The MMISG receives revenue from the people who use their panels for advertising. The department pays nothing for these signs.

**CHAIRMAN CLARK** asked who is responsible for the maintenance of these signs? **Mr. Munger** said the groups using the panels for advertising are responsible for sign maintenance. The only thing the department is responsible for is to tell the people the site which can be used for the signs.

**REP. VOGEL** asked how much people pay for billboard advertising? **Mr. Munger** said the cost is approximately is $89.00 a month.

**HOUSE OF REPRESENTATIVES**

HIGHWAYS AND TRANSPORTATION COMMITTEE

**ROLL CALL** **DATE** March 8, 1993

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| REP. KARYL WINSLOW - VICE CHAIR | ✓ | | |
| REP. SHIELL ANDERSON | ✓ | | |
| REP. JOE BARNETT | ✓ | | |
| REP. BILL ENDY | ✓ | | |
| REP. DAVID EWER | | | ✓ |
| REP. PAT GALVIN - VICE CHAIR | ✓ | | |
| REP. MARIAN HANSON | ✓ | | |
| REP. VERN KELLER | ✓ | | |
| REP. DON LARSON | ✓ | | |
| REP. GARY MASON | ✓ | | |
| REP. BILL RYAN | ✓ | | |
| REP. WAYNE STANFORD | ✓ | | |
| REP. BILL TASH | ✓ | | |
| REP. RANDY VOGEL | ✓ | | |
| REP. TIM WHALEN | ✓ | | |
| CHAIR BOB CLARK | ✓ | | |
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HOUSE STANDING COMMITTEE REPORT

March 9, 1993


Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 315 (third reading copy -- blue) be concurred in and be placed on consent calendar .

Signed: Robert C. Clark
Robert C. Clark, Chair

Carried by: Rep. Winslow

Committee Vote:
Yes ___, No ___.

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Transportation COMMITTEE BILL NO. SB 255 SB 272 SB 315 SB 353

DATE 3-8-93 SPONSOR(S) Swysgood, Koehnke, Harding

**PLEASE PRINT** **PLEASE PRINT** **PLEASE PRINT**

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|---|---|---|---|
| George H. Pearson | Self | | X |
| Candace Torgerson | Mont. Stockgrowers Assn, Mont. Wool Growers Assn. | X SB255 | |
| Leonard Lundby | Self | | SB255 X |
| Peter Funk | Dept. of Justice | SB 315 X | |
| Bob Howard | MT Motor Carriers | SB 315 SB 255 | |
| Wayne Buck | MPSC | SB255 | |
| Don Hyde | Water Res. Div. | SB255 SB315 | |
| Robert Brooks, Jr. | Montana Motorist Information Sign Group | SB 272 X | |
| Richard T Munger | MD Transportation | SB 272 X | |
| Richard Barnard | Martin Ranch | SB 255 X | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.